Criminal Revision No. 449 of 2001
(Old No. 1077/1986)

Hon'ble Irshad Hussain, J.

None appears on behalf of revisionist no.2. Revisionist no.1has died as per the verification report received from C.J.M. concerned. Vakalatnama was filed on behalf revisionist no.2 on the last date. Heard the A.G.A. and perused the impugned order. As is evident from police report investigation of the crime was done by the police and chargesheet was submitted against the accused irrespective of the fact that others were also named as wrong-doers by the complainant in the written complaint. Considering this, the learned Magistrate was of the view that the complaint needs to be merged with the chargesheet and before taking any decision summoned the accused in the case. He then fixed a date for evidence of the witnesses' u/s 202 Cr.P.C. and the procedure so adopted was just and proper in the face of the facts of the case. There being no illegality and impropriety the impugned order dated 2.4.1986 cannot be set aside and the law will take its course after recording the evidence of the witnesses u/s 202Cr.P.C. In other words, the revision has no force and the same is dismissed. The stay order dated 28.8.1986 is hereby vacated.

(Irshad Hussain, J.)

02.07.2002
M.P.S.